United Nations CRPD/C/BRA/Q/1

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Brazil*

A. Purpose and general obligations (arts. 1–4)

1. Please inform the Committee of measures to review domestic legislation and public policies and align them with the Convention and to ensure that discussions in Congress on draft laws include the human rights approach to disability.

2. Please provide information on the mechanisms put in place at the federal, state and municipal level to consult with organizations of persons with disabilities in designing and adopting legislation and policies aimed at implementing the Convention.

3. Please provide information about the situation of indigenous and Afro-Brazilian persons with disabilities and indicate what measures have been taken to ensure that Brazilian disability legislation and policies include and protect them.

B. Specific rights

Equality and non-discrimination (art. 5)

4. Please provide information on any cases (public civil actions, writs of mandamus, class action suits or other proceedings) relating to discrimination against persons with disabilities.

5. Does domestic law and policy define segregation (in education, employment and/or residential living) as a form of discrimination?

6. Is denial of reasonable accommodation acknowledged as a form of discrimination?

Women with disabilities (art. 6)

7. Please provide details on the initiatives taken under the auspices of the second national plan for women's policies (II Plano Nacional de Políticas para as Mulheres- (II PNPM)) to address the low representation of women with disabilities in society.

* Adopted by the pre-sessional working group at its third session (20–24 April 2015).

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8. Please provide further information on second national plan for women's policies (II PNPM) with regard to measures for combating discrimination, including intersectional discrimination, and, in particular, violence against women and girls with disabilities.

Children with disabilities (art. 7)

9. Please report on any mechanisms, such as the *conselhos tutelares*, established for children with disabilities, in particular those living in marginalized areas, such as favelas, and in rural areas, to request protection of their rights before public authorities. Please provide information on complaint mechanisms available for children with disabilities who are victims of violence, abuse and neglect.

Awareness-raising (art. 8)

10. Please provide details of any measure taken to promote awareness of the human rights model of disability in the mass media. Are any initiatives in this regard planned or implemented in close consultation with organizations of persons with disabilities?

Accessibility (art. 9)

11. Please provide details about the schedule for the coordination and implementation of the accessibility measures set out in the national plan for the rights of persons with disabilities. Do the measures include assessment, auditing and sanctions?

Right to life (art. 10)

12. Please provide information on measures to protect persons with disabilities, especially women and girls with disabilities, against HIV/AIDS, including early detection and access to a range of health services.

Equal recognition before the law (art. 12)

13. Please provide information on whether the statute of persons with disabilities (bill No. 7699/2006), under consideration by Congress, is fully in accordance with the Convention. Particularly, does the bill prohibit the restriction of legal capacity and introduce systems of supported decision-making?

Access to justice (art. 13)

14. Please provide details concerning the training of personnel in the national justice and prison systems on the rights of persons with disabilities.

15. Please provide details about measures taken in the framework of National Justice Council resolution No. 27/2009 to remove physical, structural and communication barriers and address attitudinal barriers, with a view to promoting full and unrestricted access by persons with disabilities.

16. Please provide details of the availability of reasonable (i.e. age-sensitive) accommodation during the legal process to ensure the effective participation of all persons with disabilities in the justice system in various roles (for example as victims, perpetrators, witnesses or members of a jury).

Liberty and security of the person (art. 14)

17. Please inform the Committee of the number of persons with disabilities currently institutionalized and the number of persons with disabilities currently deprived of their liberty under criminal proceedings.

18. Please indicate whether domestic legislation allows for institutionalization or deprivation of liberty of persons on the basis of impairment.

19. Please provide details of any legislative and other measure put in place to ensure that persons with disabilities who have been deprived of their liberty in the context of criminal proceedings benefit from the same procedural guarantees as all other persons and are provided with the required reasonable accommodation.

Freedom from violence and abuse (art. 16)

20. Please provide details of any policies that seek to ensure that instances of exploitation, violence and abuse against women, men, girls and boys with disabilities are identified and investigated and that, where appropriate, the alleged perpetrators are prosecuted.

21. Please provide information on the prevalence and trends of different forms of violence against persons with disabilities and on mechanisms to provide redress for victims according to their gender and age.

22. Please inform the Committee whether all services and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

Protecting the integrity of the person (art. 17)

23. Please provide information on any measure taken to prevent and prohibit the forced sterilization of women and girls with disabilities and on the effects of Law No. 9,263 of 1996, which provides for the sterilization of persons with disabilities following judicial authorization.

Living independently and living in the community (art. 19)

24. Please provide details on the budget spent on institutionalized residential services as opposed to community-based living. Are there any services for persons with disabilities who wish to leave residential institutions and live independently in the community? Please report on the number and nature of "inclusive homes" and "daytime living centres" (*Centros-Dia*) for persons with disabilities, including the percentage of adults and children with disabilities. Are there any plans to introduce independent living benefits for persons with disabilities, including budgets for personal assistance?

Respect for home and the family (art. 23)

25. Please provide information on services and support for children with disabilities and their families, with a view to preventing the concealment, abandonment, neglect, institutionalization and segregation of children with disabilities.

26. Please provide details of any measure taken to enable persons with disabilities to form a family and to become parents on an equal basis with others.

Education (art. 24)

27. Please provide statistics on the number of children with disabilities who are currently excluded from the education system within the State party and inform the Committee of reasonable accommodation and support measures for students with disabilities at all levels of the mainstream education system.

28. Please indicate if children have a subjective right to inclusive education and whether unwanted segregated education is regarded as a form of discrimination.

Health (art. 25)

29. Please inform the Committee whether mainstream health facilities, including for the provision of sexual and reproductive health services, are accessible to all persons with disabilities.

Work and employment (art. 27)

30. Please provide statistics on the number of unemployed men and women with disabilities compared with persons without impairments. Are there any plans to develop employment strategies for persons with disabilities, in close consultation with organizations of persons with disabilities?

31. Are there any segregated sheltered workshops for persons with disabilities? Does the national plan for the elimination of slave labour (see CRPD/C/BRA/1, para. 230) include and target persons with disabilities?

Adequate standard of living and social protection (art. 28)

32. Please provide further information, disaggregated by gender and age, on persons with disabilities benefiting from the Continuous Social Assistance Cash Benefit and on the implementation of the programme entitled "My home, my life", in particular with regard to the accessibility of houses for persons with disabilities.

Participation in political and public life (art. 29)

33. Please provide updated information on legislation relating to participation in elections. Are any persons with disabilities of voting age excluded from voting? How many elected representatives with disabilities are currently serving at federal, state and municipal level? How are persons with disabilities represented in public office?

Participation in cultural life, recreation, leisure and sport (art. 30)

34. Please inform the Committee whether the State party has taken measures to make libraries and other cultural services accessible to all persons with disabilities. Please indicate any measures planned for introducing the human rights model of disability in cultural life.

C. Special obligations

International cooperation (art. 32)

35. Please provide information on the implementation of the eight Millennium Development Goals only in relation to persons with disabilities.

National implementation and monitoring (art. 33)

36. Please provide information on the budget for the state focal point and coordination mechanism, and how the participation of organizations of persons with disabilities in implementing and monitoring the Convention is ensured.

37. Please provide details of any plans to establish an independent mechanism to promote, protect and monitor the Convention's implementation in addition to, and separate from, the National Council on the Rights of Persons with Disabilities, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).